

EXHIBIT 3

I

(1) **Pratik Patel**

(2) Q During the times Lalit Patel met
(3) Arjun and Noddy Singh, during that three or more
(4) times before October of 2017, were the discussions
(5) about the joint venture you and your brother were
(6) going to have with Noddy Singh and Arjun Singh?

(7) A Yes, sir.

(8) Q Do you know what was discussed in the
(9) meetings that your brother had before October of
(10) 2017 with Noddy Singh and Arjun Singh?

(11) A No, sir.

(12) Q Did you ever ask him what was
(13) discussed?

(14) A The thing I asked him, like, we talk
(15) about the restaurant, like when we first talk about
(16) the restaurant like he said he met Arjun Singh and
(17) Noddy Singh, and they have one proposal, what kind
(18) of food, trying a new restaurant. And he tried the
(19) food, like it was a good food, and we should try
(20) working with them.

(21) Q In the meetings your brother, Lalit
(22) Patel, had with Noddy Singh and Arjun Singh, he had
(23) already tried the type of halal food that was going
(24) to be served in that joint venture you were
(25) planning on having; is that correct?

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(2) And Rice Company?

(3) **A Sometimes I was participating, too,**
(4) **when they're not available.**

(5) Q About how many times did you purchase
(6) the food inventory for Halal Chicken And Rice
(7) Company during your tenure over there?

(8) **A I would say every month. I would say**
(9) **once a week or sometimes twice a week.**

(10) Q Where would you purchase that food
(11) inventory from?

(12) **A Different locations and Restaurant**
(13) **Depot.**

(14) Q What other locations besides
(15) Restaurant Depot would you purchase the food
(16) inventory from?

(17) **A I don't remember.**

(18) Q Was it Maharana?

(19) **A Yes. Sometimes it was Maharana.**

(20) Q When you purchased the food inventory
(21) for Halal Chicken And Rice Company, how would you
(22) pay for it?

(23) **A With the card.**

(24) Q What kind of card?

(25) **A It was a debit card, the company's**

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(1) **Pratik Patel**

(2) **debit card.**

(3) Q You had access to the company debit
(4) card during the time that you worked at Halal
(5) Chicken And Rice Company from December 2017 to
(6) December of 2019; is that correct?

(7) A **Yes, sir.**

(8) Q You knew the PIN number for that
(9) debit card; is that correct?

(10) A **Yes.**

(11) Q Did you make any purchases for the
(12) food inventory by check?

(13) A **Food inventory by check, yes.**

(14) Q You had access to the checking
(15) account during the time that you worked at Halal
(16) Chicken And Rice Company from December 2017 to
(17) December 2019?

(18) A **I did not. I was writing the checks.**
(19) **I did not have access to checking account like as I**
(20) **can see a bank balance or anything, but I was**
(21) **authorized to write a check.**

(22) Q The checks which you were writing,
(23) which bank were they from?

(24) A **Bank of America.**

(25) Q The checks you were writing, who was

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(1) Pratik Patel

(2) the owner of those checks?

(3) **MR. KADOCHNIKOV: Objection to form.**

(4) **A The company.**

(5) Q Was the owner of those checks, Halal
(6) Chicken And Rice Company or somebody else?

(7) **A It was registered under Halal Chicken**
(8) **And Rice Company. Yes, it was owned by the Halal**
(9) **Chicken And Rice Company.**

(10) Q You signed those checks for the food
(11) inventory on behalf of Halal Chicken And Rice
(12) Company; is that correct?

(13) **A Yes.**

(14) Q At any point, did you have access to
(15) the actual bank records for Halal Chicken And Rice
(16) Company during the time you worked there from
(17) December 2017 to December 2019?

(18) **A Can you rephrase the question,**
(19) **please?**

(20) **MR. WALIA: Sure.**

(21) Q At any time, did you have access to
(22) the bank account, the banking statements, the
(23) credit balance for the checking account for the
(24) Halal Chicken And Rice Company?

(25) **A I would say at the end of the month,**

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(1) **Pratik Patel**

(2) **but the witness can answer.**

(3) Q Getting back to paragraph 7 of this
(4) certificate of incorporation and the document
(5) marked as Defendants' Exhibit B, do you see the
(6) certification in the document under the seventh
(7) paragraph marked in Defendants' B?

(8) A Yes. I can see that.

(9) Q Read what that certification says.

(10) A "I certify that I have read the above
(11) statements. I am authorized to sign this
(12) certificate of incorporation, that the above
(13) statements are true and correct to the best of my
(14) knowledge and belief, and that my signature typed
(15) below constitutes my signature."

(16) Q What are those words meaning that you
(17) just read?

(18) A The information provided is true to
(19) my best knowledge and the name is my signature.

(20) MR. WALIA: Let's have Defendants'
(21) Exhibit C pulled up.

(22) (Exhibit C is screen-shared.)

(23) Q Mr. Patel, do you recognize the
(24) document marked as Defendants' Exhibit C?

(25) A Yes.

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(2) concerned, where it says within Defendants' A that
(3) you would be a 25 percent shareholder --

(4) **A Yes.**

(5) Q -- as a 25-percent shareholder, does
(6) that only entitle you to profit or to your
(7) understanding does it also mean that you have to
(8) share in the losses of the company?

(9) **A That's true, sharing in the losses of**
(10) **the company.**

(11) **MR. WALIA: Moving onto Defendants'**
(12) **Exhibit I.**

(13) **(Exhibit I is screen-shared.)**

(14) Q Take a look at Defendants' Exhibit I,
(15) Mr. Patel.

(16) **A Okay.**

(17) Q Let me know if you recognize what
(18) Defendants' Exhibit I is.

(19) **A No. I don't remember.**

(20) Q Do you see your signature --

(21) **A Yes.**

(22) Q -- on the document marked as
(23) Defendants' Exhibit I?

(24) **A Yes, I do see that.**

(25) Q Did you sign that document?

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(2) weeks."

(3) A Because when I texted him very first
(4) time in 2020 after a few months, did you prepare
(5) the paperwork, as I told you, you can go out and
(6) prepare the documents and I will let you know, so I
(7) was waiting for the documents. I didn't hear
(8) anything from them, so I texted Noddy Singh, "Did
(9) you prepare the documents?"

(10) And he started bluffing, "like you
(11) just disappeared without telling us and you never
(12) showed back."

(13) That's why I told him, I never told
(14) you I would come back because I am moving out, and
(15) I am not going to work anymore.

(16) Q You never told them you would be back
(17) three to four weeks?

(18) A No. I moved out from New York.

(19) Q When did you move out from New York?

(20) A In 2020. I would say March. I don't
(21) remember the exact date.

(22) Q You moved out in March of 2020 to
(23) your current address in New Jersey, which you gave
(24) earlier?

(25) A Yes.

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- (1) Pratik Patel
- (2) **A Yes.**
- (3) Q When you came back from India, were
- (4) you married or unmarried?
- (5) **A In 2019, no.**
- (6) Q 2019, were you engaged when you came
- (7) back from India?
- (8) **A No.**
- (9) Q When you met this person who was
- (10) going to be your perspective wife in December of
- (11) 2019, were any commitments made?
- (12) **A No.**
- (13) Q You told me you eventually ended up
- (14) marrying that person; is that correct?
- (15) **A Yes. That's correct.**
- (16) Q When did you marry that person?
- (17) **A In 2020.**
- (18) Q In 2020, what month?
- (19) **A 9th of February.**
- (20) Q Did that marriage occur here in the
- (21) U.S. or India?
- (22) **A India.**
- (23) Q Is your wife currently in India or in
- (24) the U.S.?
- (25) **A India, too.**

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(2) expansion took place; is that correct?

(3) A Yes.

(4) Q You continued working until, as you
(5) already said, until December of 2019 after the
(6) expansion occurred?

(7) A Yes.

(8) Q Once the expansion occurred, did the
(9) profits at Pan King Inc. suffer?

(10) A Yes.

(11) Q Can you categorize the amount of
(12) decrease in the profits; was it a small, moderate,
(13) large?

(14) A We never get the profits, so I don't
(15) know the exact amount. But I do remember the
(16) restaurant was suffering from the expansion.

(17) Q What basis do you have to make that
(18) statement, why do you say that?

(19) A Because we used to have
(20) conversations, the restaurant is not making money
(21) to make rent toward it.

(22) Q In 2018, after the expansion, was
(23) there difficulty making rent?

(24) A Can you repeat that?

(25) Q In 2018, after the expansion

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(1) Pratik Patel

(2) occurred, was there difficulty making rent for Pan
(3) King Inc.?

(4) **A Yes.**

(5) Q Did that difficulty continue until
(6) the time you left in December of 2019?

(7) **A Yes.**

(8) Q You were aware of this difficulty and
(9) you still wanted your 25 percent share back; is
(10) that correct?

(11) **A Yes.**

(12) Q At any point in time, did Noddy Singh
(13) or Arjun Singh ask you to share in the losses of
(14) Pan King Inc.?

(15) **A Share in the losses, I don't**
(16) **remember.**

(17) Q When you asked to leave Pan King
(18) Inc., did Arjun and Noddy Singh tell you that you,
(19) in fact, owed them money for the losses that Pan
(20) King Inc. had incurred?

(21) **A I don't remember.**

(22) Q At any time before you left in
(23) December of 2019, did you provide written notice to
(24) Pan King Inc. regarding your departure?

(25) **A No.**

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(1)
(2) Q Did you provide verbal notice to Pan
(3) King Inc. regarding your departure?

(4) A Yes.

(5) Q What kind of verbal notice did you
(6) give them?

(7) A Me and my brother went to them. They
(8) were at the restaurant, Arjun Singh and Noddy
(9) Singh, we spoke to them, "We are moving out, and we
(10) want to step down from the corporation."

(11) Q When was that?

(12) A It was sometime around 2019.

(13) Q You left in December of 2019.

(14) In December 2019 you told them you
(15) were leaving; is that correct?

(16) A Yes. I gave them around a month and
(17) something. So I talked to them in the beginning of
(18) December, and, after I told them I am leaving, I
(19) gave them some time so they can arrange things.

(20) Q Do you know what the current status
(21) is of the restaurant located at both 6 Jerusalem
(22) Avenue and 8 Jerusalem Avenue in Hicksville?

(23) A No.

(24) Q Are you aware that those restaurants
(25) that were located there known as the Halal Chicken

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(2) A. Okay, yes.

(3) Q. At some point in time, starting
(4) in or around December of 2017, you were
(5) employed by Pan King, Inc.; is that
(6) correct?

(7) A. Yes.

(8) Q. All right. And, prior to
(9) starting your employment with Pan
(10) King, Inc., you had signed an agreement
(11) with the Defendants, Noddy Singh and Arjun
(12) Singh; is that correct?

(13) A. Yes.

(14) Q. Okay. That agreement was a
(15) shareholder agreement?

(16) A. Yes.

(17) Q. Within that agreement, it
(18) contained the number of shares that you
(19) would hold within the corporation named Pan
(20) King, Inc.?

(21) A. Yes.

(22) Q. And what was the percentage of
(23) those shares?

(24) A. 25 percent.

(25) Q. And Noddy Singh and Arjun Singh

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(1) P. PATEL
(2) would each hold 37.5 percent each; is that
(3) correct?

(4) A. Yes.

(5) Q. Within that shareholder
(6) agreement, did it have the number of hours
(7) you were required to work in order to
(8) maintain the agreement that you signed?

(9) A. Yes.

(10) Q. What was the number of hours
(11) that you had to work per week?

(12) A. At least 48 hours.

(13) Q. Was there a salary set in that
(14) agreement?

(15) A. No.

(16) Q. Were there any benefits
(17) discussed in that agreement?

(18) A. No.

(19) Q. Were the number of hours that
(20) you would have worked, beyond 48 hours, the
(21) salary for those hours discussed in that
(22) agreement?

(23) A. No.

(24) Q. At any point in time before you
(25) started your employment with Pan

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(1) P. PATEL
(2) be earning while employed by Pan
(3) King, Inc.?

(4) A. During the last few meetings,
(5) they first told me, like they had since
(6) then not -- since they are not going to
(7) work, they are not going to take the
(8) salary, but once operations started, things
(9) had been changed, like they -- they were
(10) working and -- a few days, not every day,
(11) but they were taking salary, but never
(12) discussed what exactly amount of the salary
(13) they would take.

(14) Q. Okay. However, before you
(15) started your employment with Pan
(16) King, Inc., would it be fair to say the
(17) salary requirements of Noddy Singh or Arjun
(18) Singh were not discussed?

(19) A. No.

(20) Q. Yes, that is correct?

(21) A. Yes, that is correct.

(22) Q. Once you started working for
(23) Pan King, Inc., when was that exactly?

(24) A. It should be at least 2017.

(25) Q. To your knowledge, when you

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(1) P. PATEL
(2) started working in December of 2017, were
(3) you working for Pan King, Inc. or somebody
(4) else?

(5) A. No. I was work -- well, to be
(6) specific, I think -- so what I do remember,
(7) it was -- it should be December 16, 2017,
(8) we started operation, like the restaurant.

(9) And ever since I -- I never
(10) worked with anyone else until I left the
(11) restaurant.

(12) Q. Okay. So, when you started
(13) working on December 16, 2017, who were you
(14) working for, as far as you knew?

(15) A. Well, let me rephrase the
(16) question. Are you -- are you asking me
(17) before the 17th -- December -- sorry,
(18) December 16, 2017 or from -- can you --
(19) sorry. Can you rephrase the question?

(20) Q. Sure. So, you just told me you
(21) started working on December 16, 2017;
(22) correct?

(23) A. Yes.

(24) Q. So, when you started working
(25) for the restaurant on December 16, 2017,

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(2) who, to your knowledge, were you working
(3) for?

(4) A. For the corporation.

(5) Q. The name of that corporation
(6) was?

(7) A. Pan King, Inc.

(8) Q. Okay. Were you working for
(9) anybody else, to your knowledge, when you
(10) started your employment with Pan
(11) King, Inc.?

(12) A. No.

(13) Q. Once you started working for
(14) Pan King, Inc. on December 16, 2017, how
(15) many employees did Pan King, Inc. have on
(16) or about that date?

(17) A. It should be around five, if
(18) I'm including myself.

(19) Q. So, the other two would be
(20) Noddy Singh and Arjun Singh; correct?

(21) A. No. Actually, I'm counting one
(22) cooking guy and there were already three
(23) employees from the previous employer, and
(24) myself, total five. And, if we include
(25) Arjun and Noddy Singh, it should be seven.

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(1) **P. PATEL**

(2) Q. So, were Arjun Singh and Noddy
(3) Singh working, when you started working on
(4) December 16, 2017, for Pan King, Inc.?

(5) A. Yes.

(6) Q. So, it should be around seven
(7) employees; correct?

(8) A. Yes.

(9) Q. Okay. When you first started
(10) working for Pan King, Inc., what were your
(11) work hours?

(12) A. Like at the beginning, I was
(13) opening the place around 10 a.m., and I
(14) leave in the evening, around seven to 8.

(15) And then, after a few months,
(16) my schedule changed. I started coming in
(17) the afternoon and I was closing after
(18) midnight.

(19) Q. Okay. When did your schedule
(20) change?

(21) A. I'm not sure exact dates but it
(22) should be after five, six months.

(23) Q. After five or six months, your
(24) schedule changed from ten to eight, 10 a.m.
(25) to eight p.m., to what exactly, to what

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(1) **P. PATEL**

(2) Q. Would one of those other
(3) people, who would share in those tips, be
(4) you?

(5) A. Yes.

(6) Q. Okay. All right. In terms of
(7) hiring Mr. Hussein, who did that?

(8) A. I think he was working for the
(9) older employer and we -- we kept him but I
(10) didn't -- I didn't do any hiring process
(11) with him or talking to him, like he was to
(12) keep working.

(13) Q. Were there other employees that
(14) you did hire while you were employed with
(15) Pan King, Inc.?

(16) A. That is only one person I hire
(17) while I was working there.

(18) Q. And what is his name?

(19) A. I forgot his name, yeah.

(20) Q. If I said to you his name
(21) was -- let's see. Mr. Rehman, would that
(22) help refresh your recollection?

(23) A. Yes, yeah.

(24) Q. So, you hired Mr. Rehman; is
(25) that correct?

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(1) P. PATEL

(2) A. Let me rephrase the question.
(3) You mean, by that, take out money and give
(4) it to him or the envelope made by anyone
(5) and give it to Hussein?

(6) Q. I'm talking about handing the
(7) cash over to him.

(8) A. That could be a possibility.

(9) Q. You told me earlier that it was
(10) not only a possibility, did you, in fact,
(11) do that; correct?

(12) A. I said it could be a
(13) possibility because I don't remember
(14) exactly how many times I did or not.

(15) Q. Well, you just told me
(16) earlier -- the question was: Did you ever
(17) hand over cash to Mr. Hussein and the
(18) answer was yes. Is that correct, or no?

(19) A. Yes, that is correct.

(20) Q. All right. Was there ever an
(21) occasion, while you were employed by Pan
(22) King, Inc., where you would go to that desk
(23) within the basement and retrieve cash in
(24) order to pay employees? Yes or no?

(25) A. Yes.

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(1) **P. PATEL**

(2) **register.**

(3) Q. Okay. But mostly it would be
(4) you; correct?

(5) A. Yes.

(6) Q. Okay. And the person cashing
(7) out from that register at the end of the
(8) shift, would that be Mr. Hussein or would
(9) that be you?

(10) A. No, me.

(11) Q. Okay. Did Mr. Hussein ever
(12) cash out the register?

(13) A. I don't remember.

(14) Q. Did he have authority to cash
(15) out the register?

(16) A. I guess not.

(17) Q. Okay. Were you managing
(18) Mr. Hussein, while you were employed there,
(19) meaning telling him what hours he should
(20) come, setting a schedule for him, telling
(21) him what to do, in terms of how much
(22) quantity of, let's say, chicken needed to
(23) be grilled, things like that?

(24) A. Sometime, yes.

(25) Q. Okay. Well, while you were

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(1) P. PATEL
(2) one or two days -- one or two days Noddy or
(3) Arjun Singh come and used to cook.

(4) Q. Okay. And you continued into
(5) the fourth month, as well, the same
(6) scenario, was it still Mr. Hussein for the
(7) month?

(8) A. It is a long timeframe so I --
(9) I would say yes, because I don't exactly
(10) remember the -- any schedules, like.

(11) Q. During the first five months of
(12) your employment with Pan King, Inc., did
(13) you ever compensate or take your salary by
(14) taking cash from Pan King, Inc.?

(15) A. During how many times, did you
(16) say?

(17) Q. The first five months.

(18) A. I would say first three months,
(19) I didn't get any salary, but after three
(20) months I started getting a salary, when I
(21) spoke to them that I couldn't afford
(22) working without salary.

(23) Q. My question is a little bit
(24) different.

(25) During the first five months,

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(2) was there ever a time where you took cash
(3) from Pan King, Inc. to compensate yourself
(4) for your employment?

(5) A. Took cash by myself, no.

(6) Q. Was there ever a time that you
(7) were given cash to compensate you for your
(8) employment during the first five months?

(9) A. During the first five months,
(10) no. Hold up. Can you repeat the question?

(11) THE REPORTER: Would you like
(12) me to read it?

(13) MR. WALIA: Yes, you can read
(14) it.

(15) (Whereupon, the referred to
(16) question was read back by the
(17) Reporter.)

(18) A. Yes.

(19) Q. When for the first time did you
(20) get cash to compensate you for your
(21) employment with Pan King, Inc.?

(22) A. I do remember very first three
(23) months, I didn't get a salary at all. And
(24) then, it started between four months, maybe
(25) first or second week. I don't exactly

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(1) P. PATEL

(2) remember.

(3) Q. Okay. In the fourth month,
(4) when you first started getting cash as a
(5) form of compensation, who gave you that
(6) cash?

(7) A. Let me make clear. I was
(8) getting some --

(9) Q. You broke up. I couldn't hear
(10) you, if you could repeat.

(11) A. Okay. Let me clear one thing.
(12) So, I was getting cash and check and it was
(13) handed by Arjun Singh.

(14) Q. Okay. And that was only in the
(15) fourth month of your employment?

(16) A. Yes.

(17) Q. The check you were getting, was
(18) that because you were a W-2 employee of Pan
(19) King, Inc. or something else?

(20) A. I was a W-2 employee.

(21) Q. What was your salary as a W-2
(22) employee?

(23) A. When this started, the salary I
(24) was getting, around 400. It was -- okay,
(25) not around 400. It was 400. And then, a

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(2) week; correct?

(3) A. Yes.

(4) Q. And you knew what the minimum
(5) wage was at that time; correct?

(6) A. Yes.

(7) Q. And you calculated, given the
(8) number of hours, what his minimum wage
(9) should be; correct?

(10) A. Yes.

(11) Q. Now, you knew the number of
(12) hours that you were working at that time;
(13) correct?

(14) A. Yes.

(15) Q. You had possession of your
(16) schedule; correct?

(17) A. Yes.

(18) Q. You knew what the minimum wage
(19) was required in terms of the time you were
(20) employed there; correct?

(21) A. Yes.

(22) Q. Were you given minimum wage
(23) during the course of your employment?

(24) A. I have to calculate, because I
(25) guess not, because as a contract, I had to

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(1) P. PATEL
(2) do a 48 minimum hours, but I was always
(3) working more than that, around 60 hours, at
(4) least.

(5) Q. You said you guess not. You
(6) still don't know?

(7) A. No, no. Okay. Sometimes I use
(8) different words. But yes, I do know I was
(9) getting less money.

(10) Okay. Let me fix my sentence.
(11) I mean, I was getting less money what I was
(12) supposed to get. But, as we discussed,
(13) they give me -- they give me a decent
(14) salary.

(15) So, like I asked them to give
(16) me money, and they like give me \$400 every
(17) week and compared to I work 60 -- around
(18) 60 hours, if you divide that 60 hours in
(19) salary, it is not a minimum wage, but they
(20) said very, very first, beginning, we are
(21) not making the money, so let's continue
(22) this amount, and we'll increase the salary
(23) later on, when we started doing, but it has
(24) been quite a few months and I wasn't -- I
(25) was paying my bills out of that money, and

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(1) P. PATEL
(2) I could not afford working like 60 hours
(3) and not having money, or I could barely get
(4) my expenses out of \$400 a week.

(5) So, I went back again and
(6) talked to them and they increase to 550.
(7) But still that was not enough. That was
(8) not minimum wage.

(9) Q. So, if I understand you
(10) correctly, Mr. Patel, what you're saying
(11) is, that according to the agreement you
(12) signed, you were supposed to work 48 hours?

(13) A. Right.

(14) Q. So, as per the agreement for
(15) the 48 hours, the amount of compensation
(16) you were given, would that have covered the
(17) minimum wage requirements?

(18) A. I have to calculate.

(19) Q. Okay. It is possible it did?

(20) A. Yes.

(21) Q. Okay. However, what you're
(22) telling us is that you worked beyond the
(23) 48 hours, to about 60 hours; correct?

(24) A. Yes.

(25) Q. And, taking those additional

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(1) P. PATEL
(2) hours into account, the minimum wage
(3) requirement was not met; is that correct?

(4) A. Yes.

(5) Q. Okay. Did you write down the
(6) number of hours working, while you were
(7) employed there, just like you did for
(8) Mr. Hussein?

(9) A. In the schedule, frankly, I
(10) don't remember, but it could be written,
(11) but my schedule is fixed, like one day off.

(12) And when I was opening 10 to --
(13) when I was opening, I was opening every six
(14) days. So, from my record, I never had
(15) written any hours.

(16) Q. So, you are writing down for
(17) Mr. Hussein the number of hours and putting
(18) it on a form; right?

(19) A. Yes.

(20) Q. But you didn't do that for
(21) yourself?

(22) A. No -- I don't -- frankly, I
(23) don't remember.

(24) Q. You don't remember; is that
(25) right?

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- (1) P. PATEL
- (2) remember. But, if cash is required, then I
- (3) took from the register.
- (4) Q. Okay. Do you see the 8/19/2019
- (5) text you sent to Arjun Singh?
- (6) A. Yes.
- (7) Q. That text states, and correct
- (8) me if I'm wrong: "Sorry Paji. I just
- (9) realized, didn't tell you, you are working
- (10) tomorrow morning too, and I will go get the
- (11) white meat."
- (12) Did you make that text?
- (13) A. Yes.
- (14) Q. And you sent it to Arjun Singh?
- (15) A. Yes.
- (16) Q. That is a true and accurate
- (17) text that you sent?
- (18) A. Yes.
- (19) Q. And his response was: "No
- (20) problem." Is that correct?
- (21) A. Sorry. You were breaking up.
- (22) Q. I said his response was "no
- (23) problem." Is that correct?
- (24) A. Yes.
- (25) Q. Okay. Do you see, on

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- (1) P. PATEL
(2) 9/17/2019, Arjun Singh is asking you:
(3) "Pats who's working today and what time?"
(4) A. Yes.
(5) Q. Okay. And do you see your
(6) response?
(7) A. Yes.
(8) Q. Ashish 5 and Carlos 4:30?
(9) A. Yes.
(10) Q. Okay. And then, you tell him
(11) to bring a number of items; correct?
(12) A. Yes.
(13) Q. "Can you bring Rice-8,
(14) Sehzan-1, Cumins-1, Yogurt-3." Did you
(15) send those texts to Arjun Singh?
(16) A. Yes.
(17) Q. It goes on, "Pulp-2." His
(18) response is yes?
(19) A. Yes.
(20) Q. Do you see this 10/9/2019 text
(21) that you sent to Arjun Singh, starting
(22) with: "I forgot to text you. I'm working
(23) today. You can have day off?"
(24) A. Yes.
(25) Q. Response, "okay."

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(1) P. PATEL

(2) A. Yes.

(3) Q. Is that true and accurate?

(4) A. Yes.

(5) Q. Do you know how much Arjun
(6) Singh and Noddy Singh were making when they
(7) were working there?

(8) A. So far, I know they were taking
(9) the same amount as me. So, I would say 400
(10) at the beginning and 550 when they
(11) increased my salary.

(12) Q. And were they working the same
(13) hours as you or more?

(14) A. No, less hours.

(15) Q. Less hours. Okay. Were they
(16) making minimum wage, as far as you know?

(17) MR. KADOCHNIKOV: Objection.

(18) It calls for a legal
(19) conclusion. You can answer.

(20) A. Yes. They were -- they were
(21) working less hours, yes.

(22) Q. Okay. So, they were making
(23) minimum wage; is that right?

(24) A. Yes.

(25) Q. Okay. How do you know that?

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(1) P. PATEL

(2) A. Yes.

(3) MR. KADOCHNIKOV: You muted
(4) yourself.

(5) Q. Can you see it now, "I am
(6) running late today?"

(7) A. Yes.

(8) Q. Okay. Great. All right. At
(9) some point in time, while you were employed
(10) with Pan King, Inc., was there a
(11) significant drop in sales?

(12) A. Yes.

(13) Q. When was that, approximately?
(14) Approximately, when?

(15) A. After -- after a first year, I
(16) guess.

(17) Q. Okay. And did that drop
(18) continue up until the time you left?

(19) A. Yes.

(20) Q. Were there times, as you
(21) stated, that you were not paid your salary;
(22) is that right?

(23) A. Sorry?

(24) Q. There were times when you were
(25) not paid your salary; is that right?

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(1) P. PATEL

(2) only."

(3) And then, Noddy Singh responds:

(4) "Good morning, Varun coming at 11. I told
(5) him to."

(6) Are those true and accurate
(7) texts?

(8) A. Yes.

(9) Q. And then, the response to your
(10) text, at the end, Arjun Singh says:
(11) "Okay." Is that correct?

(12) A. Yes.

(13) Q. There came a period of time
(14) when you left for India; correct?

(15) A. Yes.

(16) Q. Prior to you leaving for India,
(17) did you ask for leave from anybody?

(18) A. Yes, I spoke to both Arjun
(19) Singh and Noddy Singh.

(20) Q. Did you give them a choice to
(21) say that you could not go to India?

(22) A. Did I give them a choice?

(23) Q. Yes.

(24) A. I did -- so, I remember I did
(25) ask them, and then I booked my ticket.

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(1) **P. PATEL**

(2) Q. You did ask them. Did you ask

(3) them or did you tell them?

(4) **A. No, I did ask them.**

(5) Q. The purpose of that trip to

(6) India was to meet your now wife; is that

(7) correct?

(8) **A. Yes.**

(9) Q. So, you would have postponed

(10) that meeting, if they said no?

(11) **A. Yes.**

(12) Q. If they said no, you would not

(13) have gone to India?

(14) **A. No, I can postpone my visit.**

(15) Q. For how long would you have

(16) postponed it?

(17) **A. I don't know. That depends on**

(18) **Arjun or what time they give me. There was**

(19) **no urgency.**

(20) Q. Would your now wife still be

(21) waiting for you over there while you

(22) postponed your trip?

(23) **MR. KADOCHNIKOV: Objection.**

(24) **Calls for speculation.**

(25) **MR. WALIA: I'll move on. No**

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P. PATEL

problem.

A. Do you want me to respond?

Q. No response needed. Look at this text, 6/10/19, is again to the group chat.

Your response is: "Actually, I'm going to India next month. My best dates are 20th July 28th, 19th July -- 29th July. Can you check your dates? I'm going for seven to nine days."

Continuing: "Can you bring hot sauce stuff tomorrow and make it?" Arjun Singh's response is "okay."

Are those true and accurate texts?

A. Yes.

Q. On 7/12/19, did you send this text to Arjun Singh, from Varun? "Hello Boss, I need my money Friday. Don't try to play game with me. I am not a fool."

A. You are breaking up.

Q. Okay. From Varun: "Hello Boss, I need my money Friday. Don't try to play game with me. I am not a fool."

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P. PATEL

Q. And it continues: "Text him to bring his ID next week on Friday." And your response is: "I have his ID."

A. Yes.

MR. KADOCHNIKOV: Bobby, are you marking these text messages as exhibits or are you just going to show them?

MR. WALIA: I can do it either way. I'm giving the dates. These are texts that you sent over to me. That's why I'm giving the dates.

MR. KADOCHNIKOV: That's fine. I'm just asking.

MR. WALIA: All right.

Q. Okay. Do you see on 8/18/19 --

A. Yes.

Q. You're writing "new schedule, AJ Wednesday. ND Wednesday, Friday."

A. Yes.

Q. Okay. Continuing, you say: "One guy stopped by for job named Mohammed. He need for Monday and Wednesday night. He request work on grill. He can work on

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(1) P. PATEL

(2) grill and can speak English. We should
(3) hire him so we can manage Carlos'
(4) schedule."

(5) The response from Arjun Singh
(6) is: "Talk to him about salary and take
(7) trial." Response: "Okay."

(8) Are those true and accurate
(9) texts?

(10) A. Yes.

(11) Q. Did you, in fact, hire
(12) Mohammed?

(13) A. Actually, I don't remember the
(14) full name. Is Mohammed the full name?

(15) Q. I'm not sure what his full name
(16) is.

(17) A. I only hire one person, Rehman.
(18) Other than, I didn't hire anybody. So, if
(19) his name is Rehman Mohammed, then I did
(20) hire him.

(21) Q. You are the one writing the
(22) texts and you're the one referring to him
(23) as Mohammed; correct?

(24) A. Yes, of course. But it's been
(25) a while. I don't remember if I did hire

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June 19, 2023

(1) P. PATEL

(2) him or not.

(3) Q. Okay. Do you see, on 9/1/19,
(4) you're texting a schedule, AJ Tuesday,
(5) Wednesday, and ND Tuesday, Friday?

(6) A. Yes.

(7) Q. Do you see, on 9/2, you are
(8) texting a schedule again?

(9) A. Yes.

(10) Q. Do you see, on 9/2, you are
(11) texting a new schedule, AJ Tuesday,
(12) Wednesday; ND Friday; ND Thursday, as well?

(13) A. Yes.

(14) Q. And then, the response from
(15) Noddy Singh is: "Okay, no problem."

(16) And Arjun Singh says: "Needs
(17) two days after."

(18) And you're asking who. Arjun
(19) Singh says Carlos. And then, you respond
(20) "one off, one morning."

(21) Then you're asking them to
(22) bring wings, lettuce; is that right?

(23) A. Yes.

(24) Q. So, who would compensate Arjun
(25) Singh and Noddy Singh every time they went

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(2) out to get the supplies for the
(3) corporation?

(4) A. Okay. By compensation, you
(5) mean by the salary?

(6) Q. Correct.

(7) A. Well, no one.

(8) Q. Do you see, on 9/8/19, you're
(9) sending a schedule --

(10) A. Yes.

(11) Q. Okay, 9/8/19, you're sending a
(12) schedule: AJ, Monday, Tuesday; and ND,
(13) Monday.

(14) And then, you're asking should
(15) I mail check for landlord? And then, you
(16) are again saying I need tomato, lettuce,
(17) wings, lemonade.

(18) A. Yes.

(19) Q. And the response is from Arjun
(20) Singh: "No, we'll mail it Monday." And
(21) your response is "okay."

(22) Are those true and accurate
(23) texts?

(24) A. Yes.

(25) Q. Made by you?

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(1) P. PATEL

(2) A. Yes.

(3) Q. Do you see, on 9/15/19, you're
(4) sending a text with a schedule? AJ,
(5) Monday; ND, Monday, Friday. And then, AJ
(6) Thursday, as well?

(7) A. Yes.

(8) Q. You are continuing, you're
(9) saying: "Sorry, new schedule. AJ Monday.
(10) ND, Monday, Thursday, Friday.

(11) A. Yes.

(12) Q. Are those true and accurate
(13) texts?

(14) A. Yes.

(15) Q. On 9/22/19 you're sending a
(16) schedule: AJ, Wednesday. ND, Monday,
(17) Friday. And you're telling them we need
(18) korta tomorrow.

(19) A. Yes.

(20) Q. Is that a true and accurate
(21) text that you sent to Arjun Singh and Noddy
(22) Singh?

(23) A. Yes.

(24) Q. On 9/23/19, you're saying that
(25) you have an appointment to talk to Ashish

(1) P. PATEL

(2) to cover.

(3) "He will let me know tomorrow
(4) evening if he can't. I will take day off
(5) Thursday and someone has to cover Thursday.
(6) I'll let you know tomorrow evening around
(7) eight."

(8) Did you send that text?

(9) A. Yes.

(10) Q. Did you ask somebody before
(11) asking for that date?

(12) A. Did I ask somebody? You mean
(13) Arjun Singh or Noddy Singh?

(14) Q. Anybody. Arjun Singh, Noddy
(15) Singh, anyone else in charge over there?

(16) A. I don't remember.

(17) Q. Didn't you just decide to take
(18) this date off on your own because of this
(19) important appointment?

(20) A. Could be possible.

(21) Q. Okay. So, you didn't have to
(22) ask anybody; right? You just rearranged
(23) the schedule yourself, is that what this
(24) text says? .

(25) A. If you can see this text,

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(1) **P. PATEL**

(2) **particularly, yes.**

(3) Q. On 9/29/19, did you send a
(4) schedule: AJ, Tuesday, Wednesday; ND,
(5) Wednesday, Friday?

(6) **A. Yes.**

(7) Q. And then, you say "text me back
(8) to confirm?"

(9) **A. Yes.**

(10) Q. And both Noddy Singh and Arjun
(11) Singh respond by saying okay?

(12) **A. Yes.**

(13) Q. Did you send a schedule on
(14) 10/6/19?

(15) **A. Yes.**

(16) Q. And it says final schedule;
(17) right?

(18) **A. Yes.**

(19) Q. AJ, Wednesday; ND, Monday,
(20) Friday. Correct?

(21) **A. Yes.**

(22) Q. You sent a schedule, on
(23) 10/20/19, AJ, ten to 4:30; ND, ten to six?

(24) **A. Yes.**

(25) Q. You sent a schedule, on

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- (1) P. PATEL
- (2) 10/27/19: AJ, Monday; ND, Wednesday?
- (3) A. Yes.
- (4) Q. And you sent a schedule on
- (5) 11/3/19: AJ, Monday; ND Wednesday?
- (6) A. Yes.
- (7) Q. You sent a schedule on
- (8) 11/10/19: AJ, Tuesday, Friday; ND,
- (9) Wednesday?
- (10) A. Yes.
- (11) Q. You sent a new schedule on
- (12) 11/10/19: AJ, Tuesday; ND, Friday?
- (13) A. Yes.
- (14) Q. You sent a schedule on
- (15) 11/17/19: Monday, AJ; Wednesday, ND?
- (16) A. Yes.
- (17) Q. I'm going to show you another
- (18) document.
- (19) (Whereupon, Counsel shared his
- (20) screen to display a document.)
- (21) Q. Did there come a point in time
- (22) where you stopped working for Pan
- (23) King, Inc.?
- (24) A. Yes.
- (25) Q. And when was that?

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(1) P. PATEL

(2) A. It was December 2019 to January
(3) 1st or week of January 2020.

(4) Q. Why did you stop working there?

(5) A. Because first thing I wasn't
(6) making any profit. And second, the salary
(7) I was getting was not enough for me.

(8) Q. Okay. And was that because Pan
(9) King, Inc. was taking a loss?

(10) A. I didn't know it was taking a
(11) loss.

(12) Q. Is there any other reason that
(13) you left Pan King, Inc., other than the
(14) fact that you were not making enough money?
(15) Did you get that?

(16) A. Yes, I got that. My response
(17) is no.

(18) Q. No other reason. Okay.

(19) (Whereupon, Counsel shared his
(20) screen to display a document.)

(21) Q. Can you see this text message
(22) starting with "Hi Paji, how are you?"
(23) 4/2/20.

(24) A. Yes.

(25) Q. So, did you write this text

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(1) P. PATEL

(2) message on 4/2/20?

(3) A. Yes.

(4) Q. Noddy Singh: "Hi Paji, how are
(5) you? I didn't hear anything from you about
(6) paperwork."

(7) A response from Noddy Singh:
(8) "Hello Pratik. You were supposed to come
(9) back in three to four weeks but you
(10) disappeared.

(11) I didn't hear back from you.
(12) Business has taken a major loss. And to
(13) bring it back to stand again I have to
(14) invest another 40K. You left us backed up
(15) with everything.

(16) PSEG, 8K; National Grid, 6K;
(17) rent, 6K, payroll four weeks, inventory for
(18) store, lease termination, 6 Jerusalem
(19) Avenue, and construction cost.

(20) I paid everything
(21) out-of-pocket. I would like you to
(22) contribute your share before we can
(23) dissolve of this partnership. I have done
(24) a lot from my end to support the business,
(25) as you know. Let me know what you want to

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(1) P. PATEL

(2) I -- my responsibility? After that I lost
(3) you.

(4) Q. Okay. Wasn't it your
(5) responsibility to keep attendance and
(6) payroll records for the employees who were
(7) working at Pan King, Inc.?

(8) A. As I said, it wasn't decided
(9) but all the documents, we were keeping in
(10) the basement.

(11) Q. In fact, you did keep
(12) attendance and payroll records for
(13) Mr. Hussein; correct?

(14) A. Yes.

(15) Q. Did you keep them for any other
(16) employees?

(17) A. All the employees who -- who's
(18) working.

(19) Q. All the employees who are
(20) working over there, you kept attendance and
(21) payroll records for them?

(22) A. Yes.

(23) Q. And you would put the documents
(24) in that desk drawer that you mentioned
(25) earlier?

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(1) P. PATEL

(2) A. Yes.

(3) Q. With respect to the employees
(4) who worked at Pan King, Inc., we spoke
(5) about Mr. Rehman and Mr. Hussein; correct?

(6) A. Yes.

(7) Q. And we also spoke about Carlos;
(8) correct?

(9) A. Yes.

(10) Q. So, did you manage the work
(11) activities of Mr. Rehman?

(12) A. What activities? By telling
(13) what to do?

(14) Q. Yes, saying what to do.

(15) A. Yes. So, since he was working
(16) in the kitchen, like we have to decide when
(17) to cook and how much quantity we have to
(18) cook, and yes.

(19) Q. So, you would tell him how much
(20) you needed cooked; right?

(21) A. Yes.

(22) Q. Did you manage the work
(23) responsibilities of Mr. Hussein?

(24) A. Okay. Hussein -- did I have --

(25) Q. You said it might be the same

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(1) P. PATEL

(2) person. Okay.

(3) A. Yes.

(4) Q. What was Carlos doing over
(5) there?

(6) A. Carlos was cooking in the
(7) nightshift.

(8) Q. And there were times when you
(9) worked with Carlos in the nightshift?

(10) A. Yes.

(11) Q. And you managed his work
(12) responsibilities and telling him how much
(13) to cook, what to do?

(14) A. Yes.

(15) Q. Who is Sundip or Sudep?

(16) A. Maybe he -- he was working at
(17) the place. I don't remember the person,
(18) no.

(19) Q. You don't remember working with
(20) a Sudep?

(21) A. Maybe I work with him but I
(22) don't remember the person, no.

(23) Q. And how about Raj, do you
(24) remember working with Raj?

(25) A. Yes.

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(1) **P. PATEL**

(2) Q. And what did Raj do for Pan
(3) King, Inc.?

(4) A. He was cooking.

(5) Q. And did you manage the work
(6) activities of Raj while he was employed
(7) there?

(8) A. Yes.

(9) Q. What about Ashish, what did
(10) Ashish do for Pan King, Inc.?

(11) A. He was working in the front.

(12) Q. Did you work with Ashish?

(13) A. Yes.

(14) Q. Did you manage his day-to-day
(15) responsibilities at Pan King, Inc.?

(16) A. His responsibility was taking
(17) care of the customers and preparing, like
(18) cutting vegetables. Yeah, he knew what he
(19) wanted to do.

(20) Q. He knew what he wanted to do
(21) but didn't you have to train him before he
(22) was hired?

(23) A. Like before we hired, no.
(24) After we hired, we -- we train him.

(25) Q. We meaning you?